

UNITED DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

AMY PHILBRICK, LLC.,)	
)	
Plaintiff,)	
)	Civil Action No: 06-cv-00254-JD
)	
v.)	
)	
S/V NIOBE, Official No. ME5800S,)	
her engines, machinery, equipment,)	
masts, etc., <i>in rem</i> ; and)	
)	
The Estate of Stephen Woods,)	
State of New Hampshire, and Deborah)	
Woods <i>in personam</i> ,)	
)	
Defendants.)	

ORDER FOR DISTRIBUTION OF PROCEEDS

WHEREAS, the S/V NIOBE, Number ME5800S, was arrested by Order of this Court Dated July 17, 2006, and

WHEREAS, the sale of the S/V NIOBE was confirmed by Order of this Court dated July 25, 2007, and

WHEREAS, the S/V NIOBE, Number ME5800S, was sold at public auction on August 24, 2007, and

WHEREAS, the vessel was sold for \$9,000 to the highest bidder and the proceeds deposited by the U.S. Marshal under the terms of the Order for Sale of Vessel, and

WHEREAS, the Order for Sale of the S/V NIOBE provided that the proceeds from the sale of the vessel, together with interest and costs, would be deposited in the

Registry of the United States District Court for the District of New Hampshire for subsequent distribution in satisfaction of judgment, and

WHEREAS, the Motion to Confirm Sale was granted by this Court on September 11, 2007, and

WHEREAS, Judgment by this Court was in the amount of \$25,000.00 plus interests and costs. The amount realized at the U.S. Marshal's sale is insufficient to cover the plaintiff's judgment. There were no other claims timely filed in this action.

WHEREAS, as reflected by the U.S. Marshal's return, the fees of the U.S. Marshal have been satisfied from the proceeds of the sale, and

WHEREAS, pursuant to the agreement for judgment of the parties, Plaintiff is entitled to the funds obtained from the U.S. Marshal's sale of the *in rem* defendant S/V NIOBE, under the terms of the Assented To Motion for Sale of Vessel and Order for Sale of Vessel of this Court dated July 25, 2007:

ORDERED, that the proceeds of the sale of the defendant vessel remaining in the Registry of the Court be distributed to the plaintiff in partial satisfaction of its judgment.

Dated at Concord, New Hampshire, this 9th day of October, 2007.

/s/ Joseph A. DiClerico, Jr.

United States District Judge